

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

United States of America,)	
)	
Plaintiff,)	AMENDED ORDER ADOPTING
)	REPORT AND RECOMMENDATION
vs.)	
)	
Andrew Albert Meng,)	Criminal File No. 3:03-cr-67
)	
Defendant.)	

Before this Court is a Report and Recommendation of the Honorable Karen K. Klein, United States Magistrate Judge, wherein she recommends that Defendant's term of probation be revoked. (Doc. # 60)

Defendant was sentenced by this Court on December 11, 2003 to a term of three years probation for theft by an employee of a gaming establishment on Indian lands, in violation of 18 U.S.C. § 1168(a). He has violated the terms of probation once prior, and was placed at Winner, South Dakota, in the Winner Work Release Program. Defendant successfully completed this program.

The instant petition alleges Meng consumed alcoholic beverages in violation of the Special Condition No. 3 of his Conditions of Probation. Meng admitted to the violation, and the Magistrate Judge found that his admission was knowingly and voluntarily made. This violation, a "Grade C" violation, carries with it a potential term of imprisonment of three to nine months. Meng's original sentence, three years probation, would expire on December 10, 2006. Magistrate Klein therefore recommends that Defendant's term of probation be revoked, and that he be ordered to serve a term of imprisonment until December 10, 2006. The parties have waived their right to object to the Report and Recommendation.

Upon review of the record, the Court adopts the Report and Recommendation in its entirety.

The Court finds that Meng has violated Special Condition No. 3 of his probation and **ORDERS** that Defendant's term of probation be revoked. He shall serve his term of imprisonment until December 10, 2006 and shall surrender to the United States Marshal in Fargo, North Dakota immediately.

IT IS SO ORDERED.

Dated this 4th day of October, 2006.

/s/ Ralph R. Erickson
Ralph R. Erickson, District Judge
United States District Court